

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on January 24, 2006.

No claims are amended, canceled, or added; as a result, claims 1-63 are now pending in this application.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-51, drawn to an EL, classified in class 313, subclass 503.
- II. Claims 52-63, drawn to a method, classified in class 445, subclass 23.

If applicant elects the product Group I, then election of species applies as follows. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figure 2

Species II: Figure 5

Species III: Figure 6

Species IV: Figure 7

Applicant provisionally elects, with traverse, to prosecute the invention of Species I (i.e., claims 1-39). The Restriction Requirement is traversed, at least in part, on the basis that the restriction requirements are optional in all cases. MPEP 803. As the section further states, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits.

Applicant notes that each independent claim (i.e., claims 1, 40, and 43) of provisionally elected, with traverse, Group I (i.e., claims 1-51) relates to “an inorganic phosphor” “configured to produce” (or “means for producing”) “electroluminescence from the recombination of injected holes and injected electrons”, with “a controllable hole injection structure” (or “means”) and “a

controllable electron injection structure” (or “means”). Applicant respectfully submits that in searching for references regarding each of the claims in Species I, II, III, or IV of Group I, the Examiner will likely be identifying references applicable to each of the claims in the other species. Therefore, a search for references to allow examination on the merits of all independent claims in the present application will not create a serious burden on the Examiner.

In addition, it is submitted that Applicant should not be required to incur the additional costs associated with filing multiple divisional applications in order to obtain protection of the claimed subject matter, given that the present restriction requirement itself follows restriction of the original application.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement, and that claims 1-51 of the present application be examined on the merits together.

In the alternative, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement such that Species I, II, III, and IV remain united for further prosecution on the merits based on independent claim 1 being generic to all species, as indicated by the Examiner in section 6 of the January 24, 2006, Office Communication.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 10th day of February, 2006.

Sarah L Reinhard
Name

Sarah L Reinhard
Signature

Respectfully Submitted,
Randy Hoffman

By his Representatives,
BROOKS & CAMERON, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By:

Edward J. Brooks III

Edward J. Brooks III
Reg. No. 40,925

Date:

2/10/2006